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FILED
Clerk
District Court

NOV 22 2006

For The Northern Mariana Islands
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UNITED STATES DISTRICT COURT
NORTHERN MARIANA ISLANDS

DOES I, et al., On Behalf of Themselves and All)
Others Similarly Situated,)

Plaintiffs,)

vs.)

THE GAP, INC., et al.,)

Defendants.)

Case No. CV-01-0031

CLASS ACTION

~~PROPOSED~~ ORDER REGARDING CHECK
DISTRIBUTION ISSUES

JUDGE: Alex R. Munson

1 This matter came before the Court on November 3, 2006 at 10:30 a.m., for a hearing on the requests
2 of various factory defendants for guidance regarding letters and checks they have received intended for their
3 former employees who are Class Members and Opt-In Plaintiffs ^{ARM} ~~Conference~~. The parties and other
4 interested persons who entered formal appearances included Pamela Parker, Esq., Keith Park, Esq. and
5 Michael Rubin, Esq., on behalf of plaintiffs; Steven Pixley, Esq., Richard Pierce, Esq., Robert O'Connor,
6 Esq. and Ms. Carmen Gaskins on behalf of various factory defendants; Lisa Poncia of Gilardi & Co. (the
7 Claims Administrator), and Mr. Timothy Bellas on behalf of the Garment Oversight Board (OB).

8 The factory defendants informed the Court that they had come into possession of numerous checks
9 intended for their former employees, who are Class Members and Opt-In Plaintiffs in this case. This had
10 occurred either because the intended recipients had requested that their checks be sent to the factory by
11 which they had been employed, or because that was the last known address provided by the factory to
12 plaintiffs' counsel or the Claims Administrator. The Court is also informed that the Post Office has
13 forwarded to the OB hundreds of such checks that were addressed to a post office box no longer in use. In
14 addition, the OB and factory defendants have received a number of inquiries regarding missing or
15 misdirected checks.

16 Plaintiffs' counsel also advised the Court that they have received a number of such inquiries, that the
17 Claims Administrator thus far has been the principal clearinghouse for all inquiries regarding the checks,
18 and that an e-mail address and toll-free phone number have been set up to provide Class Members and Opt-
19 In Plaintiffs with a means of contacting the Claims Administrator about their concerns. The Claims
20 Administrator has received hundreds of e-mails and phone calls, although the toll-free number has not been
21 functioning consistently for callers from Saipan.

22 To address these check distribution issues, the Court makes the following order:

23 1. The Claims Administrator shall continue to act as the clearinghouse for all Class Member and
24 Opt-In Plaintiff inquiries regarding checks distributed pursuant to the Settlement, as well as the repository
25 for all misdirected or undeliverable checks received by the factories and the OB. Except as provided in
26 paragraph 4 below, all parties, including the OB, shall forward to the Claims Administrator (by e-mail, if

1 possible) all check-related inquiries they receive from former employees, as well as any checks intended for
2 former employees that they receive and do not deliver pursuant to paragraph 4. They shall also provide to
3 the Claims Administrator any information about the person making the inquiry (name, current address,
4 Social Security number, employment dates and position, address in home country, whether or not that
5 individual executed a Consent to Sue form etc.) that the person may be able to provide at the time the
6 inquiry is made. The factories shall not be required to search their own records for, or provide to the Claims
7 Administrator, the same information previously provided to plaintiffs regarding their former employees.

8 2. The Claims Administrator has informed the Court that the toll-free number cannot be repaired
9 and a new number will be provided. Once that new number becomes available, plaintiffs' counsel shall
10 publicize that number and the e-mail address via newspaper advertisements in Saipan. The advertisements
11 shall advise Class Members and Opt-In Plaintiffs to provide as much identifying information as possible to
12 the Claims Administrator in the first contact, so that the process of resolving check distribution problems
13 may be expedited.

14 3. The Claims Administrator shall resolve all inquiries as quickly as is feasible. Regarding
15 checks sent to an address that is no longer current, once the Claims Administrator has verified the Class
16 Member's or Opt-In Plaintiffs' identity, the Claims Administrator shall stop payment on the original check,
17 reissue the check to that person, and mail it to the newly designated address. (The Claims Administrator has
18 confirmed that there would be no bank charge associated with stopping payment on the checks.) If
19 verification is not possible, that person's inquiry shall be resolved after the 120-day period provided in
20 paragraph 14 of the Settlement Agreement. Regarding inquiries about payments not yet made, the Claims
21 Administrator shall compile as much information about the person claiming entitlement to a payment, and
22 that claim shall be resolved after the 120-day period.

23 4. In certain instances, Class Members or Opt-In Plaintiff may approach the factories or the OB
24 to claim their checks. If the checks are in the factories' or the OB's possession, the factories and the OB
25 may, at their option, forward the checks to the Claims Administrator pursuant to paragraph 1 hereto, or
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1 deliver the checks to Class Members and Opt-In Plaintiffs. If they choose to deliver the checks, however,
2 they may do so only under the following circumstances:

3 (a) The check shall only be delivered to the intended recipient directly, not to or through
4 any other third party or entity.

5 (b) The factory or the OB must verify the identity of the person claiming the check.
6 Possible means of identification include: name, Social Security number, proof of employment, knowledge of
7 dates of employment and photo identification. If necessary, the factory or the OB may first contact the
8 Claims Administrator to obtain from it any available information regarding a particular Class Member or
9 Opt-In Plaintiff. That information can then be used for verification purposes to compare with information
10 provided by the person claiming the check.

11 (c) The factory and the OB shall not deliver the check if there is any question about the
12 person's identity. Instances where checks should not be delivered include, by way of example only, if there
13 is more than one person by that name and the available information is insufficient to distinguish among
14 those individuals, or if the person claiming the check is unable to provide any corroboration of his or her
15 identity.

16 (d) The factory and the OB must keep detailed records of each check distributed in the
17 manner outlined here. Such records shall include the name of the Class Member or Opt-In Plaintiff, the
18 other information used to verify the person's identity, the check number and amount, the date and manner of
19 delivery to the intended recipient, and the name and position of the person making the delivery. Those
20 records shall be made available to plaintiffs' counsel, the Claims Administrator and the Court upon request,
21 but otherwise shall not be publicly available.

22 * * *

23 **ORDER**

24 IT IS SO ORDERED.
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1 DATED: November 22 2006

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3 THE HONORABLE ALEX R. MUNSON
4 CHIEF JUDGE
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24 Clerk
District Court
The Northern Mariana Islands
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